

Amendments to Chapter 16-85
Hawaii Administrative Rules

1. Section 16-85-49, Hawaii Administrative Rules, is amended to read as follows:

§16-85-49 Degree of supervision. (a) The supervising physician or osteopathic physician shall:

- (1) Possess a current and unrestricted Hawaii license [to practice medicine and surgery] that is in good standing with the board;
- (2) Submit a statement that the supervising physician or osteopathic physician will direct and exercise supervision over any subordinate physician assistant in accordance with this subchapter and recognizes that the supervising physician or osteopathic physician retains full professional and legal responsibility for the performance of the physician assistant and the care and treatment of the patient;
- (3) Permit the physician assistant to be utilized in any setting authorized by the supervising physician or osteopathic physician including, but not limited to, clinics, hospitals, ambulatory centers, patient homes, nursing homes, other lodging, and other institutional settings;
- (4) Provide adequate means for direct communication between the physician assistant and the supervising physician[;] or osteopathic physician provided that where the physical presence of the supervising physician or osteopathic physician is not required, the direct communication may occur through the use of technology which may include but is not limited to, two way radio, telephone, fax machine, modem, or other telecommunication device;
- (5) Personally review the records of each patient seen by the physician assistant within seven working days;
- (6) Designate an alternate supervising physician or osteopathic physician in the supervising physician's or osteopathic physician's absence;
- (7) Supervise no more than [two] four physician assistants at any one time; [and]
- (8) Be registered under section 329-33, HRS, when supervising and delegating to the physician assistant, the authority to prescribe Schedule II through V medications; and
- [(8)](9) Be authorized to allow the physician assistant to prescribe, dispense, and administer medications and medical devices to the extent

delegated by the supervising physician or osteopathic physician and subject to the following requirements:

- (A) Prescribing [and], administering or dispensing of medications may include Schedule [III] II through V and all legend medications. [No physician assistant may prescribe Schedule II medications;]
- (B) A physician assistant who has been delegated the authority to prescribe Schedule [III] II through V medications shall register with the Narcotics Enforcement Division of the Department of Public Safety and Drug Enforcement Administration (DEA);
- (C) Each prescription [written] issued by a physician assistant shall include the printed, stamped, typed or hand-printed name, address, and phone number of the supervising physician or osteopathic physician and physician assistant. [The printed name of the supervising physician shall be on one side of the form and the printed name of the physician assistant shall be on the other side. A] When prescribing Schedule II through V medications, the written prescription or order shall include the DEA registration number of the supervising physician or osteopathic physician. The physician assistant [who has been delegated the authority to prescribe] shall sign the prescription [next] in close proximity to the printed, stamped, typed or hand-printed name of the physician assistant;
- [(D)] A physician assistant employed or extended privileges by a hospital or extended care facility may, if allowed under the bylaws, rules, and regulations of the hospital or extended care facility, write orders for medications Schedule II through V, for inpatients under the care of the supervising physician;]
- [(E)](D) The board [of medical examiners shall] may notify the pharmacy board in writing, at least annually or more frequently if required by changes, of each physician assistant authorized to prescribe
- [(F)](E) A physician assistant may request, receive, and sign for professional samples and may distribute professional samples to patients[:], provided that the professional samples are not controlled substances; and
- [(G)](F) All administering, prescribing or dispensing activities shall comply with appropriate federal and state laws, rules and regulations.

(b) The supervising physician or osteopathic physician or [physicians and] the physician assistant shall notify the board within ten days of severance of supervision or employment of the physician assistant. [Eff 6/30/81; am and comp 7/27/87; comp 10/28/89; comp 8/25/90; am and comp 12/22/97; am] (Auth: HRS §§453-5.1, 453-5.3) (Imp: HRS §§453-5.1, 453-5.3, 460-1)

2. Material, except source notes, to be repealed is bracketed. New material is underscored.

3. Additions to update source notes to reflect these amendments and compilation are not underscored.

4. These amendments to chapter 16-85, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules drafted in the Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on _____ and filed with the Office of the Lieutenant Governor.

NIRAJ S. DESAI, M.D.
Chairperson, Hawaii Medical Board

APPROVED AS TO FORM:

Deputy Attorney General

Amendment and Compilation of Chapter 16-85
Hawaii Administrative Rules

1. Chapter 16-85, Hawaii Administrative Rules, entitled "Medical
Examiners" is amended to read as follows:_____

